S.B.CIVIL WRIT PETITION NO.4245/2007
(Ramesh Vs. Rent Tribunal, Pali & anr.)

DATED : 9th August 2007

HON'BLE MR.JUSTICE DINESH MAHESHWARI

Mr.J.K.Bhaiya for the petitioner

The writ petitioner is facing a petition for eviction filed by his landlord under Section 9 of the Rajasthan Rent Control Act, 2001 ('the Act') before the Rent Tribunal, Pali. After filing of the reply and rejoinder; and after framing of issues, the landlord moved an application on 04.05.2007 for taking on record additional affidavits of the witnesses. The application so moved by the landlord was opposed by the writ petitioner with the submissions that affidavits were required to be filed alongwith the petition and the affidavits sought to be produced have not been relied upon either in the petition or even in the rejoinder; and taking such affidavits on record would lead to several complications and the non-applicant would be prejudiced in his defence.

The Tribunal in its impugned order dated 18.05.2007 (Annex.6) has observed that if for any reason affidavits could not be filed with the application, the same could be taken on record at later stage in the interest of justice; and has taken the affidavits on record after imposing costs of Rs.250/- and has also kept it open for the non-applicant (present petitioner) that he may file affidavits in rebuttal, if so chosen.

The order passed by the Tribunal is sought to be assailed in this writ petition with reference to the requirements of Section 15 of the Act and further with the submissions that taking of the affidavits on record at such belated stage would cause serious prejudice to the petitioner in his defence. The

submissions are not well founded nor the impugned order could be said to be beyond jurisdiction nor suffers from any error.

Under Section 21 of the Act, the Tribunal has been invested with the powers to regulate its own procedure and to be guided by the principles of natural justice; and the Tribunal or even Appellate Rent Tribunal could call any witness where it appears necessary to do so in the interest of justice. Of course, the affidavits have been filed at the late stage in this case but the Tribunal has taken note of all the circumstances and while taking the affidavits on record, has also permitted the present petitioner to file affidavits in rebuttal. The course adopted by the Tribunal cannot be said to be beyond its jurisdiction. The order passed by the Tribunal remains unexceptionable and does not call for any interference in the writ jurisdiction of this Court.

The writ petition fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI),J.

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